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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,690	03/25/2004	William James Temple	1092	2894

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CHARLESTON, WV 25301

EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,690	<b>Applicant(s)</b> TEMPLE, WILLIAM JAMES	
	<b>Examiner</b> Mark A. Osele	<b>Art Unit</b> 1734	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-13 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. in view of Thompson et al.. Goto et al. teaches that it is important to use a scraper to clean the outer surface of a pipe prior to fusion welding the pipe to another pipe (column 4, lines 55-67; column 5, lines 7-11). Goto et al. fails to describe the scraper used in the fusing apparatus.

Thompson et al. shows a scraper for the outside surface of a pipe comprising two plates, 18, 20, movable from a closed position (Fig. 6) to an open position (Fig. 5) wherein a planar flexible wiper, 32, can be inserted or removed. The flexible wiper has an annular opening, 34, with a diameter, 36, slightly smaller than the outside diameter of the pipe. The plates hold the flexible wiper (column 3, lines 25-50). The plates further include an annular ledge, 38, for holding the wiper in place (column 3, line 52-58) and spacers, 22, 26, for effecting movement of the plates from open to closed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the scraper of Thompson et al. as the scraper in the fusing apparatus of Goto et al. because Thompson et al. shows this scraper to be effective in cleaning the outer surface of a pipe.

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3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto et al. in view of Thompson et al. as applied to claim 1 above, and further in view of Reddoch and Best. Reddoch teaches that pipe wipers can comprise a single wiper or a plurality of overlapping wipers (column 1, lines 23-33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single wiper of the apparatus of the references as combined with a plurality of wipers because Reddoch teaches these to be conventional, well known equivalents.

Best teaches the use of springs to bias scrapers against the surface of a pipe while accommodating for variations in pipe diameter (column 1, lines 21-56; column 8, lines 58-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ biasing springs for the wipers of the apparatus of the references as combined to ensure that the scraper is in constant contact with the outside of the pipe as shown by Best.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 9, and 13 recite the limitation "an inside edge, the diameter of which" in line 3. There is insufficient antecedent basis for

this limitation in these claims as there is no limitation to the scraper's geometry. Flat scrapers or brush scrapers, for example, would not have a diameter.

### ***Response to Arguments***

6. Applicant's arguments filed January 5, 2006 have been fully considered but they are not persuasive. Applicant argues that the references to Goto et al. and Thompson et al. are not analogous because Goto et al. shows a scraper and Thompson et al. shows a wiper. Applicant alleges that the scraper of Goto et al. is involved in scraping which is "a process constituting the removal of the outer layer or layers of the pipe and the impurities embedded therein." The examiner cannot find any support for this definition in the disclosure of Goto et al. It appears that it is the applicant's definition of scraping, not that of the prior art reference. The examiner contends that this definition of scraping is not universal. Items such as soiled cookware, grills, pottery wheels and the like are often "scraped," which only means to use a tool to remove the adhered materials, not to remove the outer layer of the article itself and impurities embedded therein. For this reason, the references to Goto et al. and Thompson et al. are considered to be analogous in that one of ordinary skill in the art would have associated the scraper of Goto et al. and the wiper of Thompson et al. as each being a tool to remove materials adhered to the outer edges of the pipes.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

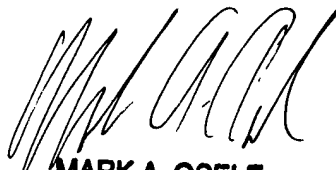
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**MARK A. OSELE**  
**PRIMARY EXAMINER**

June 12, 2006